IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 14009 of 2001

Between:

Dr.G.Sreenivasulu S/o.Venkata Swami, Private Medical Practitioner,
R/o.19-4-3/D-3, S.T.V.Nagar Tirupathi, Chittoor District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Tourism Culture Sports and Youth Service (NYS) Department, represented by its Secretary, Secretariat, Hyderabad.
2 The Director, A.P.Indian Medicine and Homeopathic Services, office 8-1-14, Market Street, Secunderabad.
3 The Vice Chairman, A.P.Administrative Tribunal, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ order or direction more especially in the nature of the Writ of Mandamus declaring the impugned order issued by the 3rd respondent in O.A.No.1921/1999 dated 12-6-2001 as illegal arbitrary and opposed to the G.O.Ms No.73 dated 6-10-1994.

Counsel for the Petitioner: MR.M.ADINARAYANA RAJU

Counsel for the Respondent No. 2: MR. KOTAMRAJU JANARDHAN RAO

Counsel for Respondent No.3: None appeared

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.1921 of 1999, dated 12.6.2001.

2. The petitioner, in pursuance of a Notification dated 12.4.2005 issued by the Government for appointment to the post of Medical Officer-cum-Lecturers in the Department of Ayurveda, Yoga, Naturopathy, Unani, Siddha and Homeopathy (AYUSH), made an application claiming the weightage under NCC quota, but he was not selected. Aggrieved by the same, he filed the above OA unsuccessfully. Against the said dismissal of the OA., he filed the present Writ Petition.

3. The learned counsel for the petitioner submits that the Tribunal has gravely erred in not considering the contents of G.O.Ms.No.73, Tourism, Culture, Sports and Youth Services (NYS) Department, dated 6.10.1994, in a proper perspective. He further submits that as per the Annexure to the said G.O., the NCC Certificate holders are entitled for weightage and therefore the finding of the Tribunal that the reservation is meant only for admissions and not for employment is erroneous. Hence he submits that the order of the Tribunal is liable to be set aside. Further, the learned counsel would submit that the Department of Ayurveda, Yoga, Naturopathy, Unani, Siddha and Homeopathy (AYUSH) again issued a notification calling for the applications for filling up the posts of Medical Officers in various disciplines. The apprehension of the petitioner is that if the weightage is not given even in this recruitment, the petitioner will not be able to get the recruitment. Therefore, he seeks appropriate directions.

4. We have also heard Mr.Kotamraju Janardhan Rao, learned counsel appearing for the respondent No.2.

5. The only issue that arises for consideration is whether the petitioner is entitled for weightage in the matter of employment and also admission.

6. We need not labour ourselves much on this aspect as GO.Ms.No.73, dated 6.10.1994 is complete answer to the same. The incentives which are available for NCC Certificate holders have been annexed to G.O.Ms.No.73, dated 6.10.1994, which reads thus—

> “Concessions for employment – Candidates holding A, B and C Certificates NCC be accorded 5%, 7% and 10% weightage

respectively for selection in II Stage Government jobs".

Under those circumstances, we are of the firm opinion that the NCC Certificate holders are entitled for concession in employment apart from the cash incentives.

7. In view of the above, the order of the Tribunal is set aside. But, however, the petitioner cannot be granted any relief.

8. As far as the appointments are concerned, the same were already made and at this point of time no useful purpose will be served by setting aside the said appointments. But, however, in view of the notification having been given and the learned counsel for the petitioner submits that the petitioner also made an application for the post, his application shall be considered duly taking into consideration the weightage of 10% since the petitioner is NCC 'C' Certificate holder as stipulated in GO.Ms.No.73, dated 6.10.1994.

9. Subject to the above direction, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

27th April, 2005.

(P.S.NARAYANA, J.)

SSR

Issue copy in three days.

(BO)

..... REGISTRAR

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SECTION OFFICER

To

1 The Secretary, Tourism Culture Sports and Youth Service
(NYS) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2 The Director, A.P. Indian Medicine and Homeopathic Services, office
8-1-14, Market Street, Secunderabad.
3 The Vice Chairman, A.P.Administrative Tribunal, Hyderabad

4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

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